IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.17520 of 2002

Between:

Mohammed Hussain

..... PETITIONER

AND

The Deputy Registrar of Co-op.Societies-cum-Officer

On Special Duty, Vasavi Co-op.Urban Bank, Malakpet,

Hyderabad and another.

.....RESPONDENTS

Order:

This Writ Petition has been filed seeking a writ of Mandamus declaring the action of the respondents, particularly, the first

respondent in passing demand notice in E.P.No.0397/2001/OSD/VCUB, dated 07-08-2002, directing the petitioner to pay Rs.8177/- without there being any valid award as arbitrary and illegal and consequently to set aside the award passed by the first respondent in ARC.No.1207/99.01, dated 16-06-2000.

According to the writ petitioner, he took a loan of Rs.4,000/- from the second respondent-Bank agreeing to repay the same in 24 monthly installments at Rs.200/- each. The petitioner paid 19 installments, and failed to pay the balance installments. Thereafter, it appears that arbitration proceedings were taken up in ARC.No.1207/99.01, in which, the award was passed against the petitioner on 16-06-2000, basing on which, the impugned demand notice was issued to the petitioner directing him to pay an amount of Rs.8177/- and interest thereon. Hence, the present Writ Petition.

According to the writ petitioner, he has paid 19 installments and only five installments were left over. His grievance is that he has no knowledge about the award passed by the first respondent in ARC.No.1207/99.01, dated 16-06-2000, therefore, he is not liable to pay any amount as claimed in the impugned demand notice.

Be that as it may, since the petitioner did not avail the alternative remedy of filing his claim or objection petition before the Sale Officer, as contemplated under Rule 52(21) of the A.P. Co-operative Societies Rules, 1964, I deem it appropriate to direct the petitioner to file a claim petition under Rule 52(21) of the Rules before the Sale Officer within a period of three weeks from the date of receipt of a copy of this order. On filing such claim petition, the sale officer shall decide the same on merits. Till such time, no coercive steps shall be taken against the petitioner.

With the above observation, the Writ Petition is disposed of. No costs.

21-12-2006

LUR